

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**EMMETT S. MULDOON,**

**Plaintiff,**

**v.**

**DEPARTMENT OF CORRECTION, et al.,**

**Defendants.**

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**Civil Action No. 15-13892-DJC**

**ORDER**

**CASPER, J.**

March 29, 2016

1. The motion (D. 2) for leave to proceed *in forma pauperis* is granted. Pursuant to 28 U.S.C. § 1915(b)(2), plaintiff is obligated to make payments towards the \$350.00 statutory filing fee through monthly payments of 20 percent of the preceding month's income credited to his prison account, each time the amount in the account exceeds \$10.00, until the filing fee has been paid in full.
2. The motion ((D. 3) for temporary restraining order is denied without prejudice because he has not complied with the requirements of Rule 65(b)(1)(B) by certifying in writing the efforts he made to give notice to the adverse parties or explaining why notice should not be required.
3. The motion (D. 8) for leave to amend is allowed.
4. The Clerk shall issue summonses for service of the amended complaint on the defendants.
5. The Clerk shall send the summonses, amended complaint, and this Order to the plaintiff, who must thereafter serve the defendants in accordance with Federal Rule of Civil Procedure 4(m). The plaintiff may elect to have service made by the United States Marshal Service. If directed by the plaintiff to do so, the United States Marshal shall serve the summonses, amended complaint, and this Order upon the defendants, in the manner directed by the plaintiff, with all costs of service to be advanced by the United States. The plaintiff shall have 90 days from the date of this Order to complete service.
6. The defendants are required to respond to the amended complaint. See 42 U.S.C. § 1997e(g)(2).

**SO ORDERED.**

/s/ Denise J. Casper

Denise J. Casper

United States District Judge